

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

IN RE:

DEBRA JEAN SILVA,

Debtor

CHAPTER 7
CASE NO. 09-19222-WCH

SOVEREIGN BANK,
Plaintiff,

v.

ADVERSARY
PROCEEDING NO.10-01205-WCH

ROBERT B. OUR CO., INC. ROCKLAND
TRUST COMPANY, EDWARD E. VEARA,
HALLSMITH-SYSCO FOOD SERVICES, LLC,
ROYAL BANK AMERICA LEASING, JOHN
F. NOONS, INC., THE COMMONWEALTH OF
MASSACHUSETTS, NICKERSON LUMBER
COMPANY, CAPE TIP SEAFOOD, INC.,
TIMEPAYMENT CORP., 85-87
SHANKPAINTER ROAD, LLC, CLEMENT A.
SILVA, individually and as Trustee of the
CLEMDEB REALTY TRUST, and STEPHEN E.
SHAMBAN, as Chapter 7 Trustee,
Defendant.

STEPHEN E. SHAMBAN, CHAPTER 7 TRUSTEE'S OPPOSITION TO SOVEREIGN
BANK'S MOTION FOR ATTORNEY'S FEES AND COSTS AND DISMISSAL AS
PLAINTIFF IN INTERPLEADER ACTION

Now comes the Defendant Stephen E. Shamban, Chapter 7 Trustee, ("Trustee") and opposes Sovereign Bank's Motion for Attorney's Fees and Costs and Dismissal as Plaintiff in Interpleader Action, in part, and responds to the Motion as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.

5. This paragraph states a conclusion of law and an opinion which does not necessitate a response, but to the extent it is deemed to require a response, denied.
6. This paragraph states a conclusion of law and an opinion which does not necessitate a response.
7. The Trustee is without sufficient information to admit or deny and in further answering states that Sovereign Bank should bear its own attorney's fees and costs.

WHEREFORE, Stephen E. Shamban, the Chapter 7 Trustee, respectfully requests that this Honorable Court:

- a. Deny Sovereign Bank's Motion with respect to Attorney's fees and costs; and
- b. Grant such other relief deemed proper and just.

RESPECTFULLY SUBMITTED

FOR STEPHEN E. SHAMBAN,
CHAPTER 7 TRUSTEE
By his Attorneys,

STEPHEN E. SHAMBAN LAW OFFICES, P.C.

By: /s/Jenny L. Redden
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CERTIFICATE OF SERVICE

I, Jenny L. Redden, do hereby certify that on September 24, 2010 I served the within OPPOSITION TO SOVEREIGN BANK'S MOTION FOR ATTORNEY'S FEES AND COSTS AND DISMISSAL AS PLAINTIFF IN INTERPLEADER ACTION and served same in the following manner upon the interested parties:

E-Mail Service: via the Court's CM/ECF system which sent notification of such filing to the following:

- David T. Mazzuchelli mazzucheld@dor.state.ma.us
- Jessica Murphy jmurphy@mirickoconnell.com
- Jenny Redden jennylredden@yahoo.com
- Brian D. Widegren brianwidegren@gmail.com
- Michael A. Wirtz jmikels@gis.net

Mail Service: via Regular, first-class United States mail, postage fully pre-paid, addressed to:

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/s/ Jenny L. Redden, Esq.
JENNY L. REDDEN

Sd.silva.opposition.092310